

**Representative A. Cory Maloy** proposes the following substitute bill:

**PHYSICIAN WORKFORCE AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: A. Cory Maloy**

Senate Sponsor: Evan J. Vickers

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**LONG TITLE**

**General Description:**

This bill creates grant programs related to the physician workforce.

**Highlighted Provisions:**

This bill:

- defines terms;
- creates a grant program to create new medical residency programs or expand current residency programs;
- creates a grant program to establish a new forensic psychiatrist fellowship program;
- creates a reporting requirement; and
- makes technical changes.

**Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2023:

- To the Utah Board of Higher Education -- Medical Education Council, as a one-time appropriation:
  - from the Education Fund, \$3,000,000;
- To the Utah Board of Higher Education -- Medical Education Council, as an ongoing appropriation:
  - from the Education Fund, \$1,500,000; and





26           ► To the Utah Board of Higher Education -- Medical Education Council, as an  
27 ongoing appropriation:

- 28           • from the Education Fund, \$550,000.

29 **Other Special Clauses:**

30           This bill provides a coordination clause.

31 **Utah Code Sections Affected:**

32 AMENDS:

33           **63J-1-602.2**, as last amended by Laws of Utah 2021, Chapters 179, 344, 412, 421, and

34 424

35 ENACTS:

36           **53B-24-501**, Utah Code Annotated 1953

37           **53B-24-502**, Utah Code Annotated 1953

38 **Utah Code Sections Affected by Coordination Clause:**

39           **63J-1-602.2**, as last amended by Laws of Utah 2021, Chapters 179, 344, 412, 421, and

40 424

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42 *Be it enacted by the Legislature of the state of Utah:*

43           Section 1. Section **53B-24-501** is enacted to read:

44                           **Part 5. Medical Education Grant Programs**

45           **53B-24-501. Residency grant program.**

46           (1) The council shall develop a grant program where a sponsoring institution in Utah  
47 may apply for a grant to establish a new residency program or expand a current residency  
48 program.

49           (2) An applicant for a grant shall:

50           (a) provide the proposed specialty area for each grant funded residency position;

51           (b) identify where the grant funded residency position will provide care;

52           (c) (i) provide proof that the residency program is accredited by the Accreditation  
53 Council for Graduate Medical Education; or

54           (ii) identify what actions need to occur for the proposed residency program to become  
55 accredited by the Accreditation Council for Graduate Medical Education;

56           (d) identify how a grant funded residency position will be funded once the residency



57 program exhausts the grant money;

58 (e) agree to provide information identified by the council that relates to post-residency  
59 employment outcomes for individuals who work in grant funded residency positions; and

60 (f) provide any other information related to the grant application the council deems  
61 necessary.

62 (3) The council shall prioritize awarding grants to new or existing residency programs  
63 that will:

64 (a) address a workforce shortage, occurring in Utah, for a specialty; or

65 (b) serve an underserved population, including a rural population.

66 (4) Before November 1, 2023, and each November 1 thereafter, the council shall  
67 provide a written report to the Higher Education Appropriations Subcommittee describing:

68 (a) which sponsoring institutions received a grant;

69 (b) the number of residency positions created; and

70 (c) for each residency position created:

71 (i) the type of specialty;

72 (ii) where the residency position provides care; and

73 (iii) an estimated date of when a grant funded residency position will no longer need  
74 grant funding.

75 Section 2. Section **53B-24-502** is enacted to read:

76 **53B-24-502. Forensic Psychiatrist Fellowship Grant Program.**

77 (1) As used in this section, "forensic psychiatry" means the provision of services by an  
78 individual who:

79 (a) is a licensed physician;

80 (b) is board certified for a psychiatry specialization recognized by the American Board  
81 of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic  
82 Specialists; and

83 (c) uses scientific and clinical expertise in legal contexts involving the mental health of  
84 individuals.

85 (2) The council shall establish a grant program that will facilitate the creation of a  
86 single forensic psychiatrist fellowship program.

87 (3) An applicant for the grant shall:



(a) demonstrate how the applicant is best suited for developing a forensic psychiatry fellowship program, including:

(i) a description of resources that would be available to the program; and

(ii) any resources or staff that need to be acquired for the program;

(b) identify what needs to occur for the proposed residency program to become accredited by the Accreditation Council for Graduate Medical Education;

(c) provide an estimate of how many individuals would be trained in the program at any one time;

(d) provide any information related to the grant application the council deems necessary for awarding the grant; and

(e) if awarded the grant, agree to:

(i) enter into a contract with the Department of Corrections that the applicant will provide for the provision of forensic psychiatry services to an individual:

(A) who needs psychiatric services; and

(B) is under the Department of Corrections' jurisdiction;

(ii) ensure that any individual hired to provide forensic psychiatry services will comply with all relevant:

(A) national licensing requirements; and

(B) state licensing requirements under Title 58, Division of Occupational and Professional Licensing.

Section 3. Section **63J-1-602.2** is amended to read:

**63J-1-602.2. List of nonlapsing appropriations to programs.**

Appropriations made to the following programs are nonlapsing:

(1) The Legislature and the Legislature's committees.

(2) The State Board of Education, including all appropriations to agencies, line items, and programs under the jurisdiction of the State Board of Education, in accordance with Section **53F-9-103**.

(3) The Percent-for-Art Program created in Section **9-6-404**.

(4) The LeRay McAllister Critical Land Conservation Program created in Section **11-38-301**.

(5) Dedicated credits accrued to the Utah Marriage Commission as provided under



Subsection 17-16-21(2)(d)(ii).

(6) The Trip Reduction Program created in Section 19-2a-104.

(7) The Division of Wildlife Resources for the appraisal and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.

(8) The emergency medical services grant program in Section 26-8a-207.

(9) The primary care grant program created in Section 26-10b-102.

(10) Sanctions collected as dedicated credits from Medicaid provider under Subsection 26-18-3(7).

(11) The Utah Health Care Workforce Financial Assistance Program created in Section 26-46-102.

(12) The Rural Physician Loan Repayment Program created in Section 26-46a-103.

(13) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.

(14) Funds that the Department of Alcoholic Beverage Control retains in accordance with Subsection 32B-2-301 (9)(a) or (b).

(15) The General Assistance program administered by the Department of Workforce Services, as provided in Section 35A-3-401.

(16) The Utah National Guard, created in Title 39, Militia and Armories.

(17) The State Tax Commission under Section 41-1a-1201 for the:

(a) purchase and distribution of license plates and decals; and

(b) administration and enforcement of motor vehicle registration requirements.

(18) The Search and Rescue Financial Assistance Program, as provided in Section 53-2a-1102.

(19) The Motorcycle Rider Education Program, as provided in Section 53-3-905.

(20) The Utah Board of Higher Education for teacher preparation programs, as provided in Section 53B-6-104.

~~[(21) The Medical Education Program administered by the Medical Education Council, as provided in Section 53B-24-202.]~~

(21) The Medical Education Council for the:

(a) administration of the Medical Education Program created in Section 53B-24-202;

(b) provision of medical residency grants described in Section 53B-24-501; and

(c) provision of the forensic psychiatric fellowship grant described in Section



[53B-24-502.](#)

(22) The Division of Services for People with Disabilities, as provided in Section

[62A-5-102.](#)

(23) The Division of Fleet Operations for the purpose of upgrading underground storage tanks under Section [63A-9-401.](#)

(24) The Utah Seismic Safety Commission, as provided in Section [63C-6-104.](#)

(25) Appropriations to the Division of Technology Services for technology innovation as provided under Section [63A-16-903.](#)

(26) The Office of Administrative Rules for publishing, as provided in Section [63G-3-402.](#)

(27) The Colorado River Authority of Utah, created in Title 63M, Chapter 14, Colorado River Authority of Utah Act.

(28) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

(29) Appropriations to fund the Governor's Office of Economic Opportunity's Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.

(30) Appropriations to fund programs for the Jordan River Recreation Area as described in Section [65A-2-8.](#)

(31) The Division of Human Resource Management user training program, as provided in Section [63A-17-106.](#)

(32) A public safety answering point's emergency telecommunications service fund, as provided in Section [69-2-301.](#)

(33) The Traffic Noise Abatement Program created in Section [72-6-112.](#)

(34) The money appropriated from the Navajo Water Rights Negotiation Account to the Division of Water Rights, created in Section [73-2-1.1](#), for purposes of participating in a settlement of federal reserved water right claims.

(35) The Judicial Council for compensation for special prosecutors, as provided in Section [77-10a-19.](#)

(36) A state rehabilitative employment program, as provided in Section [78A-6-210.](#)

(37) The Utah Geological Survey, as provided in Section [79-3-401.](#)



(38) The Bonneville Shoreline Trail Program created under Section 79-5-503.

(39) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

(40) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

(41) The program established by the Division of Facilities Construction and Management under Section 63A-5b-703 under which state agencies receive an appropriation and pay lease payments for the use and occupancy of buildings owned by the Division of Facilities Construction and Management.

#### Section 4. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

#### ITEM 1

##### To Utah Board of Higher Education -- Medical Education Council

<u>From Education Fund, One-time</u>	<u>\$3,000,000</u>
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<u>From Education Fund</u>	<u>\$1,500,000</u>
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##### Schedule of Programs:

<u>Medical Residency Grant Program</u>	<u>\$4,500,000</u>
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The Legislature intends that the Medical Education Council expend appropriations provided under this item for providing grants for new residency positions under Section 53B-24-501.

#### ITEM 2

##### To Utah Board of Higher Education -- Medical Education Council

<u>From Education Fund</u>	<u>\$550,000</u>
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##### Schedule of Programs:

<u>Forensic Psychiatry Grant Program</u>	<u>\$550,000</u>
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The Legislature intends that the Medical Education Council expend appropriations provided under this item to award the grant for a forensic psychiatrist fellowship program



under Section [53B-24-502](#).

Section 5. **Coordinating H.B. 295 with H.B. 176 -- Technical amendments.**

If this H.B. 295 and H.B. 176, Utah Health Workforce Act, both pass and become law, it is the intent of the Legislature that on July 1, 2022, the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication:

(1) renumber Section [53B-24-501](#) enacted in H.B. 295 to Section [26-69-407](#);

(2) renumber Section [53B-24-502](#) enacted in H.B. 295 to Section [26-69-408](#);

(3) replace each use of the words "the council" in Section [53B-24-501](#) and [53B-24-502](#) enacted in H.B. 295 with "UMEC"; and

(4) modify Section [63J-1-602.2](#) to read:

**63J-1-602.2. List of nonlapsing appropriations to programs.**

Appropriations made to the following programs are nonlapsing:

(1) The Legislature and the Legislature's committees.

(2) The State Board of Education, including all appropriations to agencies, line items, and programs under the jurisdiction of the State Board of Education, in accordance with Section [53F-9-103](#).

(3) The Percent-for-Art Program created in Section [9-6-404](#).

(4) The LeRay McAllister Critical Land Conservation Program created in Section [11-38-301](#).

(5) Dedicated credits accrued to the Utah Marriage Commission as provided under Subsection [17-16-21](#)(2)(d)(ii).

(6) The Trip Reduction Program created in Section [19-2a-104](#).

(7) The Division of Wildlife Resources for the appraisal and purchase of lands under the Pelican Management Act, as provided in Section [23-21a-6](#).

(8) The emergency medical services grant program in Section [26-8a-207](#).

(9) The primary care grant program created in Section [26-10b-102](#).

(10) Sanctions collected as dedicated credits from Medicaid provider under Subsection [26-18-3](#)(7).

(11) The Utah Health Care Workforce Financial Assistance Program created in Section [26-46-102](#).

(12) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).



(13) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).

(14) The Utah Medical Education Council for the:

(a) administration of the Utah Medical Education Program created in Section [26-69-403](#);

(b) provision of medical residency grants described in Section [26-69-407](#); and

(c) provision of the forensic psychiatric fellowship grant described in Section [26-69-408](#).

~~[(14)]~~ (15) Funds that the Department of Alcoholic Beverage Control retains in accordance with Subsection [32B-2-301](#) (9)(a) or (b).

~~[(15)]~~ (16) The General Assistance program administered by the Department of Workforce Services, as provided in Section [35A-3-401](#).

~~[(16)]~~ (17) The Utah National Guard, created in Title 39, Militia and Armories.

~~[(17)]~~ (18) The State Tax Commission under Section [41-1a-1201](#) for the:

(a) purchase and distribution of license plates and decals; and

(b) administration and enforcement of motor vehicle registration requirements.

~~[(18)]~~ (19) The Search and Rescue Financial Assistance Program, as provided in Section [53-2a-1102](#).

~~[(19)]~~ (20) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).

~~[(20)]~~ (21) The Utah Board of Higher Education for teacher preparation programs, as provided in Section [53B-6-104](#).

~~[(21)] The Medical Education Program administered by the Medical Education Council, as provided in Section [53B-24-202](#);~~

(22) The Division of Services for People with Disabilities, as provided in Section [62A-5-102](#).

(23) The Division of Fleet Operations for the purpose of upgrading underground storage tanks under Section [63A-9-401](#).

(24) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).

(25) Appropriations to the Division of Technology Services for technology innovation as provided under Section [63A-16-903](#).

(26) The Office of Administrative Rules for publishing, as provided in Section [63G-3-402](#).



(27) The Colorado River Authority of Utah, created in Title 63M, Chapter 14, Colorado River Authority of Utah Act.

(28) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

(29) Appropriations to fund the Governor's Office of Economic Opportunity's Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.

(30) Appropriations to fund programs for the Jordan River Recreation Area as described in Section [65A-2-8](#).

(31) The Division of Human Resource Management user training program, as provided in Section [63A-17-106](#).

(32) A public safety answering point's emergency telecommunications service fund, as provided in Section [69-2-301](#).

(33) The Traffic Noise Abatement Program created in Section [72-6-112](#).

(34) The money appropriated from the Navajo Water Rights Negotiation Account to the Division of Water Rights, created in Section [73-2-1.1](#), for purposes of participating in a settlement of federal reserved water right claims.

(35) The Judicial Council for compensation for special prosecutors, as provided in Section [77-10a-19](#).

(36) A state rehabilitative employment program, as provided in Section [78A-6-210](#).

(37) The Utah Geological Survey, as provided in Section [79-3-401](#).

(38) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).

(39) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#), and [78B-6-144.5](#).

(40) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

(41) The program established by the Division of Facilities Construction and Management under Section [63A-5b-703](#) under which state agencies receive an appropriation and pay lease payments for the use and occupancy of buildings owned by the Division of Facilities Construction and Management."